IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2613 0F 2004
WITH
CRIMINAL WRIT PETITION NO.2614 OF 2004
WITH
CRIMINAL WRIT PETITION NO.2321 OF 2004

Ajit Maneklal Chokshi ..Petitioner

Vs.

Kirit Ambelal Desai & Anr. ..Respondents

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Mr.N.V.Pradhan i/b Patne L.B. Advocate for Petitioner
Mr.Sandesh Thakkar for Respnodent no.1
Mr.V.B.Konde-Deshmukh A.P.P. for the State

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CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : OCTOBER 7, 2005

P.C.

1. Heard the learned advocate for the petitioner, learned advocate for the respondent no.1-complainant and the learned A.P.P. for the State in all the three matters.

2. The petitioner is seeking quashing of process issued by the learned Metropolitan Magistrate, 21st Court Bandra, Mumbai in C.C.Nos.187/S/2002,

188/S/2002 and 189/S/2002. In the said cases process was issued against the petitioner under Section 138 of Negotiable Instruments Act and 420 of IPC.

3. For the reasons recorded in the decision of this Court in the case of **V.K.Jain and others Vs. Pratap V. Padode reported in 2005(3) Mh.L.J.778,** I am of the opinion that the petitioner has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the petitioner prefers a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the petitioner to prefer the necessary revision before the concerned Sessions Court. The learned advocate for the petitioner makes a statement that the necessary revision will be preferred within four weeks from today. I am informed that the matter before the trial Court is kept on 18.10.2005. In view of this statement, the trial Court shall not proceed with

the proceedings on 18.10.2005 and for a period of three weeks thereafter.

. The learned advocate for the respondent no.1-complainant fairly states that no objection will be raised in respect of delay in filing the revision. However, the learned advocate for the respondent no.1-complainant states that four days advance notice of filing the revision may be given to the respondent no.1-complainant. Accordingly, the learned advocate for the petitioner to give four days advance notice of filing the revision to the respondent no.1-original complainant.

5. On the necessary revision being preferred by the petitioner before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties.

6. Writ Petitions are disposed of.

[V.K.TAHILRAMANI,J.]